

SENATE BILL 3241

By Bunch

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 15 and Title 47, Chapter 18, to enact the
"Child Toxic Substance Protection Act of 2008".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Child Toxic Substance Protection Act of 2008".

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 15, Part 4, is amended by adding the following as a new section:

Section 39-15-414.

(a) As used in this section, unless the context otherwise requires:

(1) "Child care article" means a product designed or intended by the manufacturer to facilitate the sleep, relaxation, or feeding of children or to help children with sucking or teething;

(2) "Children" means individuals who are seven (7) years of age or younger;

(3) "Consumer" has the same meaning as defined in § 47-18-103, for purposes of the Tennessee Consumer Protection Act;

(4) "Person" means an individual, partnership, corporation, association, or other legal entity;

(5) "Toxic substance" means a substance that contains lead, or a coating on an item that contains lead, so that the lead content is more than six one hundredths percent (0.06%) of the total weight. "Toxic substance" does not include glass or crystal decorative components; and

(6) "Toy" means an article designed and made for the amusement of a minor or for the minor's use in play.

(b)

(1) It is an offense for a person to sell, offer for sale, or otherwise transfer a toy or child care article, or any other item, including, but not limited to, clothing, accessories, jewelry, decorative objects, edible items, candy, food, dietary supplements, furniture, or other articles used by or intended to be chewable by children in this state under circumstances where the person knows or should know that it contains a toxic substance.

(2) It is an offense for a person to knowingly use or apply a toxic substance in or on any toy, child care article, or any other item, including, but not limited to, clothing, accessories, jewelry, decorative objects, edible items, candy, food, dietary supplements, furniture, or other articles used by or intended to be chewable by children in this state.

(c) It is a defense to prosecution under this section that the sale was of a collectible toy that is not marketed or intended for use by a child.

(d) A violation of this section is a Class A misdemeanor but nothing in this section shall be construed to preclude prosecution under any other applicable statute.

SECTION 3. This act shall take effect July 1, 2008, the public welfare requiring it.